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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,129	07/31/2006	Marco Roggero	DE040025US1	3813

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EXAMINER

SARWAR, BABAR

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,129	Applicant(s) ROGGERO ET AL.	
	Examiner BABAR SARWAR	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 01/27/2009 have been fully considered but they are not persuasive.
2. **Claims 1 and 6** have amended.
3. **New Claims 11 and 12** have been added.

Applicant argues on page 5 of the remarks about generation of different new messages. The Examiner respectfully disagrees. Lutter discloses that **different new messages are generated (Para 0024)**, where Lutter discloses that the stationary unit (**portal 18**) upon receiving the message 48 sends maintenance and emergency personals to the location identified in the message 48 i.e. the portal processes the message 48 and generates the **different new messages** by sending maintenance and emergency personals as disclosed in Para 0024.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lutter (US 2002/0198653), hereinafter referenced as Lutter.

Consider **claim 1**, Lutter teaches a method of improving wireless communication between motor vehicles (**Abstract, Para 0016, exhibited in figs. 1-2, 5, 7-8**). Lutter

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further discloses that the motor vehicles transmit messages to a stationary unit (**Portal, fig. 1, and exhibited in element 18**), characterized in that in the stationary unit, the received messages are processed and different new messages are generated (**Para 17-19, 21, 23-25, and 27, exhibited in figs. 2, 3, 5, where Lutter discloses that the portal processes the messages and generates the different new messages**).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutter in view of Aizono et al. (US 7010583), hereinafter referenced as Aiz.

Consider **claim 2**, Lutter teaches everything claimed as applied above (see claim 1). Lutter discloses a method of wireless communication between motor vehicles (**Abstract, Para 0016, exhibited in figs. 1-2, 5, 7-8**). Lutter teaches that messages are transmitted to a portal (**stationary unit fig. 1, element 18**) and received messages are processed and different new messages are generated (**Para 17-19, 21,23-25, and 27, exhibited in figs. 2, 3, 5**). Lutter does not specifically disclose that the messages entering the stationary unit are filtered. Aiz teaches that the messages entering the stationary unit (**Fig. 1 elements 121a-d , the road stations**) are filtered (**Col. 13 lines 25-47 and exhibited in fig. 13**).

Therefore it would have been obvious to one of ordinary skills in the art at the

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time the invention was made to modify Lutter by specifically providing the messages entering the stationary unit are filtered, as taught by Aiz, for the purpose of preventing the system from responding to identical messages as discussed in Col. 1 lines 5-9.

Consider **claim 3**, Lutter teaches everything claimed as applied above (see claim 1). Lutter discloses a method of wireless communication between motor vehicles. Lutter teaches that messages are transmitted to a portal (**fig. 1, element 18**) and received messages are processed and new messages are generated (**Abstract, Para 0016-19, 21,23-25, and 27, exhibited in figs. 1-3, 5, 7-8**). Lutter does not specifically teach that the incoming messages are stored in the stationary unit, and are checked in particular with regard to topicality and/or type of information and/or priority and/or reliability and/or position of the motor vehicle. Aiz teaches that the incoming messages are stored in the stationary unit (**Fig. 1 elements 121a-d, the road side stations**), and are checked in particular with regard to topicality and/or type of information and/or priority and/or reliability and/or position of the motor vehicle (**Col. 1 lines 49-67, Col. 3 lines 32-61, Col. 6 lines 11-55, and Col. 7 lines 36-43, exhibited in figs. 2, 6, 8b, 9, 10a, 11, 12, 14**).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Lutter by specifically providing that the incoming messages are stored in the stationary unit, and are checked in particular with regard to topicality and/or type of information and/or priority and/or reliability and/or position of the motor vehicle, as taught by Aiz, for the purpose of expeditiously making decisions concerning the traffic/road conditions as discussed in Col. 1 lines 5-9.

Consider **claim 4**, Lutter teaches everything claimed as implemented above (see claim 1). Lutter teaches a method of wireless communication between motor vehicles and a stationary unit (**Abstract, Para 0016-19, 21, 23-25, and 27, exhibited in figs. 1-3, 5, 7-8**). Lutter does not specifically teach that upon a request by a motor vehicle a specific message is generated in the stationary unit. Aiz discloses that upon a request by a motor vehicle a specific message is generated in the stationary unit (**Col. 6 lines 56-61**).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Lutter by specifically providing that upon a request by a motor vehicle a specific message is generated in the stationary unit, as taught by Aiz, for the purpose of expeditiously facilitating the driver in making decisions concerning the traffic conditions as discussed in Col. 1 lines 5-9.

6. **Claims 5, 11, 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutter in view of Akutsu et al. (US 5987374), hereinafter referenced as Akut.

Consider **claim 5**, Lutter discloses everything claimed as implemented above (see claim 1). Lutter teaches a method of wireless communication between motor vehicles and a stationary unit (**Abstract, Para 0016-19, 21, 23-25, and 27, exhibited in figs. 1-3, 5, 7-8**). Lutter does not specifically teach that the stationary unit is activated when a motor vehicle approaches. Akut discloses that the stationary unit (**electronic wave tag fig. 4 exhibited in element 200**) is activated when a motor vehicle approaches (**Abstract, Col. 1 lines 47-67, Col. 2 lines 1-48**).

Therefore it would have been obvious to one of ordinary skills in the art at the

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time the invention was made to modify Lutter by specifically providing that the stationary unit is activated when a motor vehicle approaches, as taught by Akut, for the purpose of expeditiously facilitating the driver in making decisions concerning the traffic conditions as discussed in Col. 1 lines 34-40.

Claim 6, as analyzed with respect to the limitations as discussed in claim 1.

Claim 7, as analyzed with respect to the limitations as discussed in claim 2.

Claim 8, as analyzed with respect to the limitations as discussed in claim 3.

Claim 9, as analyzed with respect to the limitations as discussed in claim 4.

Claim 10, as analyzed with respect to the limitations as discussed in claim 5.

Consider **claim 11**, Lutter discloses everything claimed as implemented above (see claim 1). Lutter does not specifically teach that wherein said stationary unit is integrated into an infrastructure of a road. Akut discloses that wherein said stationary unit is integrated into an infrastructure of a road (**Abstract, electronic wave tag, Fig. 4 exhibited in element 200**).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Lutter by specifically providing that wherein said stationary unit is integrated into an infrastructure of a road, as taught by Akut, for the purpose of expeditiously facilitating the driver in making decisions concerning the traffic conditions as discussed in Col. 1 lines 34-40.

Claim 12, as analyzed with respect to the limitations as discussed in claim 11.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **BABAR SARWAR** whose telephone number is (571)270-5584. The examiner can normally be reached on **MONDAY TO FRIDAY 09:00 A.M -05:00 P.M.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **NICK CORSARO** can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BS/

/BABAR SARWAR/
Examiner, Art Unit 2617

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617